



TOWN OF WILMINGTON

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THE OFFICE
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To: Annual Town Meeting Attendees

From: Robert G. Peterson, Jr. – Chairman of the Inhabitant Bylaw Review Committee

Re: Article(s) Forty-Four (44) and Forty-Five (45)

Date: April 30, 2022

Dear Sirs and Madam:

On behalf of the Inhabitant Bylaw Review Committee (the “Committee”), I am providing this letter so as to explain the analysis and suggested changes to the Inhabitants Bylaws (the “Bylaws”) that are to be taken up at the 2022 Annual Town Meeting via articles forty-four (44) and forty-five (45).

By way of background, our existing Bylaws require that a review committee be formed every ten years, with the goal thereof to ensure that the Town, from time to time, is reviewing the said Bylaws to ensure they are applicable, enforceable and reflect the general operation of our town government. Over the course of the past three years we have endeavored to undertake a comprehensive review and analysis of the Bylaws. To that end, we worked with General Code, a company that specializes in municipal bylaw review, who presented to the Committee an Editorial and Legal Analysis (the “Analysis”). The Analysis prepared by General Code was based on a critique of the Town’s existing legislation (the existing Bylaws), and identified conflicts and ambiguities therein, with the specific goal of bringing consistency and order to the same. Our efforts in undertaking this Analysis have not been with the goal of bringing specific substantive change to our Bylaws (i.e. change of our own accord and/or change suggested by a resident), but rather to ensure that the Bylaws, which govern the operation of our Town, are accurate, to date, legally enforceable and not riddled with stale and/or outdated law.

The Bylaws are proposed to be reorganized and renumbered via article forty-four (44). General revisions to the Bylaws are also proposed, via article forty-five (45), with such revisions coming only after the Committee reviewed the Analysis and paid particular attention to the following:

- Are certain provisions no longer enforced?
- Is the legislation the appropriate regulation of the subject matter or would such provisions be enforced under another law or statute?
- Are the procedures described accurate or should they be changed to reflect current practices? Are there obsolete procedures that can be deleted?
- Have problems in enforcement of a particular provision arisen in the past? Could the provisions be made more specific?
- Are the titles of the officials and departments up to date? Are there other administrative terms that should be changed?
- Are the amounts of fees and bonds adequate? Will they cover the Town's cost in administering the legislation?

Given the above, the review was voluminous, so the Committee did quite a bit of work since last June. We went through all of the questions/analysis as provided by General Code, seeking specific clarification from Town Department heads when deemed necessary, and further seeking legal guidance from Town Counsel when the Committee found the same appropriate. It should be noted that the Committee paid specific attention to Chapter Five (5) of our existing Bylaws (that which governs "Public Regulations"), and sought input from respective Town Department heads for the sections thereunder that applied to them – ensuring updates and/or redactions were made per their recommendations.

At today's meeting you will be asked to vote on the following articles:

- Article 44: This article is clerical in nature, authorizing the reorganization and recodification of our inhabitant bylaws (please follow the QR code as included below, and click on the link entitled "Inhabitant Bylaws Final Draft" to see the reorganization and recodification of our Bylaws); and
- Article 45: This article brings forth the general revisions to the Bylaws (please follow the QR Code as included below, and click on the link entitled "Inhabitant Bylaws General Revisions" to see a complete list of the proposed edits/changes/revisions).

The Committee is agreement that the approval of these articles will yield Bylaws that are accurate, to date, legally enforceable and contain proper legal references. Further, if these articles are passed, we will have Bylaws are much more "user friendly" and provide a general framework that will allow for future expansion if new bylaws are proposed and ultimately pass a town meeting vote.

The Committee has been transparent throughout this entire process, holding our public meetings in accordance with the Open Meeting Law requirements. We have also provided, for public consumption, the materials we used to formulate the articles before you today. The aforesaid materials have been available for review at the Town Clerk's office, and the same have been published on the Town's website since February of this year. For further reference to these materials, a QR code is included at the end of this document; please use that QR code to access the various informative materials.

In closing, I would remiss if I did not send a heartfelt “thank you” to the Committee members that gave up so much of their time over the last three plus years. Those members, as listed below, have been great ambassadors for their fellow neighbors and have tirelessly worked to bring forth the articles before you today. I would like to thank you all for attending the 2022 Annual Town Meeting, and I ask you to vote in favor of articles forty-four (44) and forty-five (45).

Very truly yours,



Robert G. Peterson, Jr.
Chairman, Bylaw Review Committee

Inhabitant Bylaw Review Committee Members:

Joseph Desmond (Chief of Police)

Gary DePalma (Selectman)

Michael McCoy

Francis Olivieri

Daniel Ardito

John Amaro

Robert G. Peterson, Jr.

Beth Lawrenson (Town Clerk - Ex Officio)

QR CODE:

